2:Seligman & Seligman E-5 (1909-1910) 1932
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girl in compensation for some great favour shown to her father he pays bride-wealth, but he fixes the amount himself, usually double that paid by a commoner. There will, however, be no negotiation, nor would a commoner ever attempt to recover cattle of the bride-wealth that had died. The king owes no respect to mother-in-law or other relatives by marriage, who all treat him with the same reverence as do other unconnected commoners. No Shilluk woman is particularly reverential to her husband, nor would she take a beating with resigned submission, but a royal wife should kneel with bowed head to receive a whipping should the king wish to punish her. Mr. Heasty informs us that one wife is always appointed head wife and is treated with great respect by all, including the king himself. She acts as intermediary between the other women and the king; she is an elderly woman, usually a widow of a previous king, and holds her appointment until displaced by the king. The king would seldom take a wife from the *ororo* unless she were an unusually attractive woman, because no son of an *ororo* can ever become king.

The king's children are never born in Fashoda. In the fourth or fifth month of her pregnancy the expectant mother is sent with attendants and cattle to some distant village, and here she remains under the protection of the chief until the child is weaned, when she may return to Fashoda. During each subsequent pregnancy she goes to a different village. The child is brought up in its native village, and the cattle that the mother brings with her are its portion. In this village he (or she) should be buried. No special conditions are required for the selection of a locality beyond the strength and discretion of the chief under whose charge the child will grow up and the presence of good grazing ground for the royal herd.[1] Every royal son is recognized as a potential king and is treated with the utmost indulgence and respect; the royal daughters also have their privileges, but are not so highly regarded. The royal daughters are not allowed to marry, it being alleged that it would not be fitting for a woman of royal birth to marry a commoner, while she could not marry a *nyireth*, or the descendants of one, as this would be incestuous. Royal daughters may have lovers, but must not bear children. Mr. Heasty informs us that they may select whom they will, *kwareth*

[1] Mr. Heasty considers that the reason for sending the royal wives away is that the king is ambitious for his sons and hopes that they will start villages for themselves; if they were born in Fashoda they would have no villages of their own. Foreign wives of the king are sent to Shilluk villages in the same way as are Shilluk women.

2:Seligman & Seligman E-5 (1909-1910) 1932
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or commoners, and even close relatives, including half-brothers by the same father, though connection with a full brother or a uterine half-brother would not be permitted. Royal daughters are treated with great respect, may exercise considerable influence in district affairs, and when elderly may help and advise the local chief, but they never become guardians of shrines as do the king's wives and widows.

We did not hear of the rivalry between princes leading to actual warfare for the throne, though considering how commonly the Shilluk quarrel among themselves this seemed probable, and some of the old traditional quarrels between North and South may have originated in such rivalry. It is related that Nyakwac killed the surviving children of his great uncle Nyadwai (the twelfth king), though three of them had already reigned before him, but we do not think this was a common practice.

The children of the king are called *nyireth*; his grandchildren are *nyinyireth*, and his great grandchildren are *kwanyireth*; their children again may be called *kwanyireth*. The four generations are regarded as of royal blood in descending degrees, and even *kwanyireth* follow the royal practice of retaining their lower central incisors instead of having them knocked out as commoners do, but the children of *kwanyireth* are treated as commoners. The descendants of the king form a privileged group; both sons, grandsons, and their children are called *kwareth*. The title *kwanyireth dwong* (great *kwanyireth*) is given to the first generation of *kwanyireth* or to a *kwanyireth* who has become a chief.

Apart from the king and the royal family, but having the closest ceremonial connection with the former, are the *ororo*,[1] who trace their origin to the fifth Shilluk king, Ocalo. They play a prominent part

[1] Rightly qualified by Mr. Munro as a "class . . . full of mystery" in his "Installation of the Ret of the Chol (King of the Shilluks)", which we reprint as an appendix. They certainly require further study. Hofmayr states that royal descendants become *ororo* after a special degradation ceremony which has to be carried out by stealth. His account is far from clear, but actually he agrees that the only *ororo* are the descendants of Ocalo (op. cit., pp. 260–2). Mr. Heasty confirms this, and in answer to our questions obtained the following account of the origin of the *ororo*. During the reign of king Ocalo there was trouble between the Nuer and Shilluk. The sons of Ocalo, who led the Shilluk against the Nuer, were all killed except Duwad, considered very insignificant by the king, who felt that there would be no chance of one of his offspring reigning since all his important sons had been killed. In a rage Ocalo took the sacred spears of Nyakang and threw them in the river, but Duwad succeeded in rescuing the last and demanded of his father why he did this. When Ocalo answered that his sons were dead, a quarrel ensued between father and son, leading Duwad to say that the sacrifices to his father should not be killed with a spear and to threaten to degrade his father's descendants. When Duwad became king his half-brothers were degraded to the level of commoners, with the name Nyigol instead of their previous appellation Kayo. As compensation they were granted an important part in the installation and funerary rites of the king, as well as in certain religious ceremonies at Fashoda.

2:Seligman & Seligman E-5 (1909-1910) 1932
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related by marriage, it is the bridegroom who pays special deference to his wife's relatives and not vice versa. A man may claim privileges from his sister's husband, and though he must make his demands politely they will not be denied. On the other hand, a man may show much zeal in doing services for his wife's relatives that are not absolutely necessary. It must be remembered that the "in-law" relationship begins early, as soon as betrothal negotiations are started; the prospective bridegroom is particularly anxious to please his future bride's relatives so that they in turn may influence her not to break off the engagement; indeed, the fear of losing the woman persists even after marriage. Should any of the cattle of the bride-wealth die the bride's relatives can claim that they should be replaced, and Hofmayr states that when cattle plague is prevalent marriages are frequently dissolved as the husband cannot make good the losses.[1] There are thus abundant reasons why the bridegroom should seek to keep on good terms with his wife's relatives and by his correct behaviour prevent the possibility of rupture. Mr. Heasty states that it is very rare for a husband to divorce his wife, it is usually the wife or her family who initiates the separation.

There are no special houses built for adolescent boys or girls. The former sleep in the cattle byres (*luak*). When there are several unmarried girls in a village any house may be given to them that happens to become vacant, and the girls will sleep there together; such a house will be called *odwaman*. Their boy friends will come by night and call to them to join them. We do not know whether custom imposes any restrictions on their behaviour, nor whether only eligible boys are received, that is to say, those who are neither related by blood nor of the same clan, but we believe that this is the case, and it seems that such courtship usually leads to marriage.

Hofmayr states that the girls assume a tone of considerable hauteur; the meetings must take place outside the village and the parents must not be told, though they would not meddle in the affairs of the young people. He also states that the girl chooses whom she likes and that she usually breaks several engagements before finally accepting a suitor, this being considered no disgrace except when carried to excess. A girl who has had more than ten lovers is looked upon as *nya dey cuan*, a fast woman. Betrothals may be arranged young, but it is doubtful whether marriage would be enforced if the girl preferred another youth when she had reached a marriageable age.

[1] Op. cit., 293.

2:Seligman & Seligman E-5 (1909-1910) 1932
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581 The girl's choice of a husband is undoubtedly influenced by the amount of bride-wealth that the young man is able to provide, and her relatives—father, brothers, and the *na*—will try to dissuade her from a poor marriage. Public opinion would, however, be against forcing a girl to take a repugnant partner for the sake of the cattle.
[582] The provision of the bride-wealth prevents very early marriage, and men do not appear to marry under about twenty years of age.

584 After the bride-wealth has been arranged the young people go to the house of the girl's father. The latter brings a goat into the enclosure and the father of the prospective bridegroom cuts an ear from the animal and binds it to the girl's ankle, when all pray to Nyakang and possibly also to Juok. For some time before the marriage the prospective bridegroom begins to provide fish for his future parents-in-law; he will bring fish every day, and only if the catch is large will he keep any for himself. If he gets on well with his parents-in-law he may continue to do this for a long time after marriage, though he is not bound to do so.

585 The wedding feast takes place at the house of the bride's father, after the whole bride-wealth has been handed over. Much beer is prepared and if the father can afford it a bull is killed. Dancing and
[591] feasting may last three days. The couple then go to live in the
[476] husband's village, where he has already built a house with the aid of
[561] his friends—presumably his age mates. No marriage was celebrated during our stay in the Shilluk country, but from our informants we gathered that the time of the actual consummation of marriage was
584 not a matter of great importance, and that this has usually taken place
●836 before the marriage feast, which merely marks the fact that the girl leaves her father's house. We concluded that the usual practice was for intercourse to begin, if the girl was old enough, after a fair proportion of the bride-wealth had been given—one informant said seven cows, another six. The man would come to his betrothed's village and send a friend to fetch her away from her father's house, when they would spend the night in some other house in the village. The transfer of the bride-wealth might take two years or more, the first instalment consisting of two cows.

585 Hofmayr describes a ceremony when the concluding ox of the bride-wealth is handed over. The ox is decorated, and the bridegroom and the young people of both sexes from his village accompany it to the bride's village. Here a mock battle takes place and the bride's friends eventually seize the ox. The bridegroom and his companions

8:Howell E-4.8 (1937, 1948) 1953 FJ23 Shilluk FJ23

tant among the Nuer and Dinka, does not usually arise. The Shilluk seem to attach greater significance to physical paternity than do other Nilotes and the *okijo* male will usually be linked to the name of his *guitor*, even though this carries with it no legal rights. In the case of males there is often a tendency on the part of the maternal uncle or his heirs to deny to the *okijo* rights of inheritance or full participation in the reciprocal privileges of the lineage, so that his status is sometimes precarious and indeterminate.

Unlike the Nuer and Dinka, the Shilluk have no 'Ghost-Marriage'.[1] It is not stated as a fundamental obligation of kinship that a wife should be 'married to the name' of a dead kinsman, though the sentiment which dictates the custom among the Nuer and Dinka is not absent among the Shilluk. In this sense the Nuer and Dinka system is perhaps more individual than that of the Shilluk. Among the Shilluk continuity of the kinship group, not of the individual, is assured by normal legal marriage with cattle which might well have been used by the deceased for this purpose, but are not transferred in his name. Names are retained, however, by a belief in reincarnation. It is believed that the spirit of some ancestor appears in the new-born child which is then named after the ancestor. At the birth of every child a ceremony is performed, usually with the assistance of a *bag reth* who specializes in such matters, to determine this. The participants will ask, '*men akal yi min*?—'This one is brought by whom?' This accounts for the repetition of names in Shilluk genealogies, irrespective of sex, since there is no reason why the spirit of a female ancestor should not enter a male child or vice versa.

As will be seen later, a man who seduces a girl, if she subsequently gives birth to a child, cannot assume legal parenthood of his offspring except by marrying the mother and then only if at least some of the bridewealth cattle have been transferred, and the initial processes of marriage performed before the child is born. Theoretically, at least, children born out of wedlock cannot be legitimized and must therefore remain *okijo*. This does not apply if the father is betrothed to the girl at the time, provided that he eventually completes the marriage payments. It often happens, however, that a child born in these circumstances is adopted by the man who subsequently marries the mother, and marriage in these conditions usually brings with it legal parenthood of children born out of wedlock.

Violation of Rights in Women

Seduction of Unmarried or Betrothed Girls and Adultery

The seduction of unmarried girls is accounted a serious wrong among the Shilluk and one which demands compensation. The wrong is referred to as *kwer kwob nian ajur* and compensation is assessed, both currently and traditionally, at one ox. Pumphrey remarks that,

> . . . an original seduction often eventuates in marriage, in which case the seduction payment is payable first and the marriage payment after (and over and above it). In such cases also marriage dates from the acceptance of the sheep and it is improbable that the girl's family will accept it until the seduction payment is completed.[2]

[1] See Evans-Pritchard: 'Some Aspects of Marriage and the Family among the Nuer', *Zeitschrift für Vergleichende Rechtswissenschaft*, 1938 and Rhodes-Livingstone Inst. 1948.

[2] Pumphrey: unpublished records.

8:Howell E-4,5 (1937, 1948) 1953 FJ23 Shilluk FJ23

thiag

One other offence which is recognized by the Shilluk and is also known to Nuer and Dinka is *thiag*. This refers to fornication with a woman who is pregnant or lactating. Should the woman abort the child, or the child die subsequently, four head of cattle are claimed. This applies, of course, only to married women and in effect means that a man must pay four head of cattle for adultery where in other circumstances he would only pay two.

Sexual Offences Concerning Female nyiroths

It is a rigid rule among the Shilluk that no female *nyireth*[1] may marry or indeed have sexual relations with any man. It is possible that in the past they were more strictly guarded and deterrents in the form of severe punishment were more rigidly applied. Seligman says,

> . . . the daughters of a king must remain unmarried, the alleged reason for this being that it is unfitting that the daughter of a king should marry a commoner, while she could not marry a *niurot* (king's son) since this would be incest. The prohibition of marriage does not, however, extend to all intercourse; a king's daughter is allowed to select lovers as she chooses, and nothing is said so long as it is not publicly known that she has become pregnant; but if this were discovered she would be killed, as would also the man responsible for her condition. This rule, which until recently appears to have been sternly carried out, led to frequent production of abortion.[2]

This rule is still insisted on by the *reth*, though clearly it is ineffective nowadays since *nyiroths* have become something of a problem to the Administration. Writing in 1946, Thomson says that female *nyiroths* can be divided into two classes: (*a*) those who cohabit with Police and 'Malakia' (detribalized urban elements) and (*b*) those who live in Shilluk country.

The former class appears to be numerous, and has gained notoriety owing to its pursuing its trade largely in Malakal. I believe it forms a small minority of female *nyiroths*. Some of them live faithfully with their unmarried husbands, others are more flighty and others again are prostitutes. As long as these *nyiroths* remain in Malakal or Kodok they are merely objectionable on moral grounds.

The latter class is a menace to tribal society. Their habits are similar to the female *nyiroths* who consort with 'Malakia', but in this case the 'husband', being of Shilluk blood, feels bound by tribal custom and its distortions. The tribal custom appears to be that the first time a female *nyireth* becomes pregnant the lover has to pay ten head of cattle (*kwor*) to the *reth*. In the old days it was held to be a disgrace for a female *nyireth* to give birth and abortion was frequently practised. The ten head of cattle to the *reth* would not be objectionable, if it could be looked on as bride-price (which it is not). If this were so, the *reth* would have a personal interest in the fidelity of the *nyireth*, as the bride-price would, of course, be returnable on divorce. It would be right that this bride-price should go to the *reth* as being either father of the girl or in *loco parentis*.

This custom has, I think, largely fallen into contempt and I doubt whether the number of cattle reaching Fashoda amounts to very much. This does not mean that the lot of the

[1] *Nyireth*, daughter or son of a *reth*.

[2] Seligman, e.g. 'The Cult of Nyakang and the Divine Kings of the Shilluk'. *Report of the Wellcome Tropical Research Laboratories*, Khartoum, 1911, p. 218.

8:Howell E-4,5 (1937, 1948) 1953 FJ23 Shilluk FJ23

lover is any less hard. In place of a recognised tribal fine or compensation he is now a victim of blackmail. The *nyireth* whom he is living with proceeds as follows 'Give me a cow or I will tell.' This may go on until the lover's capital is exhausted and the *nyireth* with her child or children moves off in search of further prey. The lover has no redress as the whole arrangement is outside tribal custom, and the *nyireth* prospers from her blackmail and promiscuity.[1]

I do not propose to discuss here the reasons for the bar against marriage or sexual intercourse with the daughters of reigning or former *reths*. I have sometimes heard Shilluk say that compensation for illicit intercourse with any woman of the royal clan should really go to the *reth*. There is, however, an obvious distinction between offences committed with daughters of *reths* and with other females of the royal clan. In the first case, all forms of sexual union are barred and any infringement of the rule is a crime against the *reth* himself and all he stands for. Moreover female *nyireths*, not being allowed to marry, are in a sense males. Hence sexual relationship with them by a male amounts to perversity and perversity is not a mere private delict but a spiritual offence likely to react upon society as a whole. Shilluk say that theoretically the *nyireth* and her lover should be put to death, but the offence is now compoundable by payment of a fine. The principles of punishment and expiation are involved, not merely restitution. In the case of all other female *kwareth*, the offence lies not in the fact of sexual relationship, but in an illicit relationship amounting to an infringement of rights which apply to all members of Shilluk society. The wrongdoer pays the indemnity in order to right that wrong. In accepting compensation for offences against other women of the royal clan the *reth* is acting as the recognized head of that clan and has a right to receive and redistribute (which in fact he usually does) the wealth which belongs to the clan collectively. The former is therefore more nearly a criminal or public offence, the sanctions being penal, while the latter is a private delict involving the restitutory sanction only. It is worth noting that a closer study of this subject might well lead to a clearer picture of the spiritual functions of the *reth* himself and through him of the royal clan, and also to a more reliable interpretation of his legal functions.

Conclusion

We may conclude by noting that Shilluk marriages have not the complexity, found both in the social processes and the transfer and distribution of bridewealth, which characterizes unions among their Nuer and Dinka neighbours. The principles are, however, comparable. Marriage is achieved by the performance of ceremonies which have both social and ritual aspects. Side by side with these ceremonies is the payment of bridewealth in cattle, goats, sheep, and sometimes cash. Neither is complete without the other and, generally speaking, each stage in the ceremonies is accompanied by further payments of cattle. The *mogho thiek*, the ultimate ceremony of marriage which corresponds approximately to the Nuer *mut* and the Dinka *thok de thiek*, at any rate in its legal implications, will not be performed unless sufficient cattle have already been paid to satisfy the kinsmen of the bride. Conversely, the payment of cattle would not legalize the union without the accompanying ceremonies.

[1] W. P. G. Thomson: unpublished records, 1946.

17: Pumphrey G-5 (1934-1938) 1941
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585 A poor quality animal will be rejected by the *fal tong* of the bride's family who will request the best man to bring a better. In a sense these intermediaries act as solicitors of the contracting parties, and [182] by their mediation reduce friction which might lead to a breach of the marriage.

The *mogho thieh* is the final ceremony marking the separation of the wife from her own clan, and sometimes ends with a mock battle resulting in the "violent" removal of the bride by the kinsmen of the bridegroom. The bridegroom's party throw spears into the village of the bride and her relations reply with an answering shower, each side keeping the other's spears. After this mock battle the bride goes to [591] the village of the bridegroom. The remaining two or three head of cattle will soon be brought and the transaction is then complete. The last bull is sometimes known as *wanh thieh*.

The above is a description of a marriage in which no hitch has occurred. Often the sequence of events is entirely different. For [831 684] example an original seduction often eventuates in a marriage, in which case the seduction payment is payable first and the marriage payment after (and over and above) it. In such cases also the marriage dates from the acceptance of the sheep and it is improbable that the girls' family will accept it until the seduction payment is complete. Again some marriages drag on interminably because the bridegroom's *gol* does not produce cattle. In such cases the wife's *gol* sometimes tire [586] of waiting and end the marriage by marrying her to another, in which case the disappointed husband is entitled to recover any cattle he has paid. At other times, if the husband is acceptable to the woman's *gol* or if, as often happens, they know that the girl is so fond of her lover that all attempts to marry her elsewhere will fail they accept the marriage and content themselves by waiting until a daughter of the marriage is married, when they will claim from her bride wealth the number of cattle remaining in arrears from the bride wealth of her mother.

583 Generally the cattle payments go all to the *gol* leader of the woman, be he her father, brother, or uncle. Professor Seligmann was at pains to discover how the cattle were divided among the relatives of the wife, and especially what was the share of the maternal uncle. In fact

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beings have no motive power other than divine impulse. They are moved always by God. Thus *yi kal Juok* (you have been brought by God) takes the place of *yi bi* (you have come) which is a normal form of greeting among friends.

When the conversation relates to or is being carried on with the *Reth* himself, more complicated modifications are necessary. Objects used by the *Reth* are called differently from their normal names. There are many examples, most of which have been given by Professor Westermann. It is interesting that the names which objects assume owing to their association with the *Reth* are always names of similar but inferior objects. Thus his beer is called "water," his donkey is called his "dog," his spear is his "stick" and, strangest perhaps of all his head is his "pebble."

Elaborate circumlocution is necessary when enquiring about childbirth. A married woman can hardly be asked if she has children or how many had she got. Even a husband should not be asked outright whether or not his wife had produced him children. The husband will be asked "has your wife found something small?", or "has your wife been helped by God?" It is also very bad manners to ask a woman what is the name of her husband.

These conventions might lead one to suppose that matters of sex were regarded as delicate *per se*, but this is hardly the truth. Outside wedlock there is no nicety. An unmarried girl will be asked with brutal frankness "*yi yaci nam*" ("you were made pregnant by whom?") and here the word is the same as that used in talking of domestic animals. The inference is that delicacy is required not because the subject relates to sex but only if and when it touches upon the marriage tie.

No one can deny that the Shilluk are by our standards brutal. Their code dictates that a man may be killed for a man, quite irrespective of the victim's guilt provided only he is from the clan of the killer of the man avenged.

Their moral code, though peculiar, is definite and strictly observed. The marriage tie is not sacrosanct, but rape, as also prostitution, is almost unknown. Both are regarded with abhorrence.

29:Dempsey M-5 (1940-1954) 1955
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fend for himself during the intervening months, and he spends the time drinking bowls of beer and smoking pipes of rank tobacco with his cronies, discussing the many complexities of women and particularly that formidable mother-in-law of his whom he may never visit, may never even meet, even going to the length of turning aside from her path and averting his head should he chance to see her on the road. He dreams up, too, rosy dreams of his daughter, for it is always a daughter of course, who will be the apple of his eye and the pride of his life during her childhood and who will bring in many heads of fat cattle when she becomes of marriageable age.

On the day of the birth, a custom, of interest to all, but fraught with a certain amount of apprehension and anxiety to some, takes place. Before the mother is given her baby to nurse she must name publicly all her former lovers. Failure to do so, it is averred, will result in the death of the child, and should she refuse to confess she would not be given the baby at all, but it would be reared by a foster-mother. It may be that the girl can say with honesty that she has had no pre-nuptial amours, and that up to the time of her marriage she had preserved her virginity intact. Since the general character of such a girl would be fairly well known in her own village, her word would be accepted and she would be given the child. But if perchance the infant should die, it would be taken as a sign that she had lied. Unfortunately such paragons of virtue among Shilluk maidenhood are rather rare, and the term 'virgin' applied to a nubile girl has something of an unmeaning character, useful only in distinguishing her from her married sisters. Nobody then is in the least shocked or surprised when the girl recites a number of names of men with whom she has been before her marriage.

The men thus accused may either admit the charge or indignantly deny it. If a man admits his transgression he must pay the outraged husband three sheep or goats, or, if he is the father of the child just born, three cows. If he denies the accusation he undergoes a variation of 'trial by